IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO : 10383 of 2006

Dated. 22nd June, 2006

Between

M.Sunil Reddy .....Petitioner

And

The District Forest Officer, East division, Karimnagar and ors.

....Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 10383 of 2006

ORDER:

This Writ Petition is filed seeking Writ of Mandamus, to declare the action of the respondents in not releasing the petitioner's Lorry bearing Registration No.AP 37T 1166, which was seized on 20-4-2006, as illegal and arbitrary.

In the affidavit filed in support of the Writ Petition, it is stated that the petitioner is the owner of the aforesaid lorry and when he himself was driving the said lorry and was proceeding to Charlapalli for loading cotton bails, the vehicle was intercepted and seized. It is the case of the petitioner that the respondent-Forest Officials have themselves loaded wood into the lorry and registered false case against him.

Counter affidavit is filed on behalf of the respondents, stating that on 20-4-2006, when the Forest Range Officer, Bhupalpally and his

party was conducting patrolling towards Uppal, Shanigaram of Kamalapur Mandal, they found that the said lorry was being driven in high speed. After chasing the said vehicle, it was stopped and found that the lorry was loaded with teak timber covered with tarpaulin. As the timber was being transported without any valid permit, as required under the Forest Transit Rules, a case was registered by conducting panchanama and vehicle seizure was reported to the authorized Officer.

In view of the averments in the counter affidavit and supporting material, prima facie it appears, the vehicle was involved in forest offence. There is absolutely no reason to believe the version of the petitioner at this stage. The allegation of the petitioner is that the vehicle was proceeding empty is a matter which can be enquired into by the competent authority after initiation of proceedings, but, this Court at this stage cannot accept the plea of the petitioner so as to release the said vehicle. Having regard to the nature of offence, no case is made out for issuance of directions for release of the vehicle at this stage. The Writ Petition is accordingly dismissed.

Further, it is stated that the authorized officer has issued notice on 20-4-2006 and the same was not served on the petitioner on account of wrong address given by him. In that view of the matter, the petitioner shall furnish correct postal address to the Sub-Divisional Officer, Manthani, within one week from today. At the same time, as much as the seizure was effected on 20-4-2006, the respondents are directed to complete the enquiry and pass appropriate orders within a period of two months from the date of receipt of this order.

Subject to the above direction, the Writ Petition is dismissed. No order as to costs.

JUSTICE R. SUBHASH REDDY

DATE: 22-06-2006.
Msnr.

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